



# DEPARTMENT TEMPORARY DETENTION FACILITIES

**FC No.: 810**

**Date: 09-27-2021**

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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## **I. Policy**

It is the policy of this department that all temporary detention and processing facilities will be maintained in accordance with this directive. Further, it is department policy that while in our custody, all prisoners will be protected from further injury and promptly delivered to their appropriate destination (e.g., released or re-transported to non-departmental detention facilities).

## **II. Definitions**

- A. Temporary Detention Facilities: Designated secure areas within a department facility used for temporary confinement where detainees are held to physically restrict the movement and activities of the detainees. This includes processing areas, interrogation rooms, and cells.
- B. Processing Areas: Designated areas used for the purpose of processing, questioning, interviewing, or testing. Detainees may be shackled to an immovable object designed and intended for such use.
- C. Juvenile Delinquent Offender: A juvenile charged with conduct that would, under law, be a crime if committed by an adult (e.g., misdemeanor, felony, etc.).
- D. Juvenile Non-Offender: A juvenile in custody for a traffic offense or because the juvenile is a victim of abuse or neglect (i.e., a child in need of supervision, CINS).
- E. Juvenile Status Offender: Any juvenile who has been charged with conduct that would not, under law, be a crime if committed by an adult (i.e., runaway, truant, CINA).

### **III. Responsibility**

- A. The department operates facilities that contain designated temporary detention facilities that meet approved standards. Responsibility for control and operation of temporary detention facilities is assigned to the district/division commander.
- B. Agencies, other than the Montgomery County Department of Police, whose personnel utilize department temporary detention facilities, will abide by the provisions of this directive. Failure to comply will result in denial of use of the department's temporary detention facilities.

### **IV. Training Requirements**

- A. Each district/division commander responsible for a temporary detention facility will ensure that all personnel assigned to their district/division have received FTO, in-service, or roll call training and that the training has been documented. This training will concentrate on the operation and control of all temporary detention facilities to include the MCP 810, "Detainee Processing and Detention Log."
- B. Upon transfer to a new duty assignment, all newly assigned officers will be provided an orientation on the operation of that facility's temporary detention facilities and provide every opportunity to familiarize themselves with the facility.
- C. The Training and Education Division will ensure that in-service training relating to temporary detention facilities will be accomplished at least once every three years.

### **V. General Detention**

- A. Use of temporary detention facilities will be controlled to ensure separation by both sight and sound:
  - 1. Of juveniles from adults, and
  - 2. Between adult males and females.

If necessary, officers will use a system of cycling prisoners through these areas to maintain sight and sound separation of adults and juveniles.

- B. Records of detention of adults and juveniles, regardless of juvenile status, will be maintained on the MCP 810 and retained by location.

#### **Six Hour Time Limit**

- 1. A juvenile offender cannot be held in a secure setting for more than 6 hours; the clock starts at the point when the juvenile is placed in the secure area or is secured to a stationary object by handcuffs and is cumulative.
- 2. *Every effort should be made to abide by the 6-hour time limit. However, there are exceptions to the time limit which involve conditions of Safety and Travel. If the juvenile offender is held in a temporary detention facility and certain weather/road/safety conditions do not allow for reasonable safe travel by the officer for transport of the offender to a juvenile facility or an emergency evacuation of the facility exists, a time-limit exception for conditions of safety/travel may be extended. No sight or sound contact with adult inmates is permitted. When safety permits, the officer should attempt to minimize the time a juvenile is in a processing area, and utilize non-residential areas (i.e., when awaiting release of the juvenile to a guardian).*

#### **JJDPA, 1974**

All processing and detention of juveniles will be in accordance with the Juvenile Justice and Delinquency Act of 1974, as amended through 1985 (JJDPA) that prescribes limits on who may be held and for what time periods. Juvenile non-offenders or status offenders may not be placed in temporary detention cells at

any time. In the event that they become unruly, disorderly, or out of control, criminal charges must be placed prior to them being placed in a cell.

## VI. Processing

Although the majority of prisoners are taken to CPU, officers bringing prisoners into a department temporary detention facility will follow these procedures.

- A. Prisoners will be searched prior to entering a temporary detention facility by an officer of the same sex in an area affording privacy to the prisoner. An itemized inventory of all property taken from them and stored will be made on the MCP 810. Upon release or transfer to another agency, the MCP 810 will be completed, signed by both the releasing officer and the owner of the property upon receiving the property, and filed in a location designated by the facility manager.
- B. Front Desk Notification  
Any time a prisoner or status offender is taken inside a district station, the officer will immediately without unreasonable delay, notify operations. The employee receiving the notification will place the individual's information on the station's prisoner log.
- C. Under the Influence of Alcohol/Drugs  
Unruly, disorderly persons under the influence of alcohol or other drugs or who are violent or self-destructive will be housed separately from other detainees. Special consideration should be given to ensure that the potential for detainees to injure themselves or others is minimized. Such detainees should remain under close observation by the arresting officer. If the officer is unable to continue observation, the officer will notify an on-duty supervisor.
- D. Suicidal/Escapes Potential/Security Threat  
Detainees, who exhibit any suicidal tendency, commit any self-destructive act, or state an intent to harm themselves, will not be placed in a departmental temporary detention facility without continuous uninterrupted observation by an officer. Immediate notification will also be made to the on-duty shift supervisor. This prohibition applies to all agencies using departmental temporary detention facilities and this notice is to be posted in all processing areas and cells. An officer who has reason to believe that a prisoner is possibly suicidal (but not to the degree that would warrant initiation of an Emergency Evaluation Petition), has escape potential, or is otherwise a security threat, will advise the desk personnel of such, include it on the MCP 810, and request that the District Court Commissioner note same on any court papers. In the unusual event that department personnel transport a detainee for court hearing, the appropriate judicial personnel will be informed of all such potential hazards.
- E. Temporary Detention Cells  
When an officer places a detainee in a district station holding cell, the officer will notify the front desk. The officer will ensure that welfare checks are performed at least every 30 minutes on each detainee. If the detainee is still in the cell when the officer is scheduled to go off-duty, the officer will notify an on-duty supervisor or an on-coming supervisor of the detainee's status and the notified supervisor will then be responsible for the detainee.
- F. Non-Sworn Personnel  
Non-sworn personnel may monitor prisoner status and physical condition by means of audio devices or visual observations where cells do not require opening to make such observations.
- G. Monitoring Alarm Systems  
All personnel assigned to district desks, Major Crimes Division, and Special Victims Investigations Division will monitor their respective temporary detention facility alarm systems as a normal course of

business. Only sworn personnel will respond to requests for assistance from prisoners. Facility SOPs will address emergency situations where sworn personnel are not immediately available.

H. Outside Agencies

Agencies, other than the Montgomery County Department of Police, who wish to place a prisoner in a department temporary detention facility for detention purposes will be assisted by a Montgomery County Police officer who will then ensure that all procedures are followed. Officers from outside agencies shall show their credentials and state the reason for the prisoner detention (e.g., warrant, statement of charges, etc.) prior to placing the prisoner in a department temporary detention facility. The on-duty supervisor will be notified and will then ensure that the appropriate prisoner welfare checks are made. The arresting agency will not leave the building without coordinating with the on-duty supervisor. Each facility will display a sign by the cell in clear view noting this policy. It is the responsibility of any officer who observes any violations of this policy by outside agencies to bring it to the attention of a supervisor.

I. Mass Arrests

Facility SOPs will provide for large group arrest processing and detainment when those instances exceed the capacity of the temporary detention facilities.

J. Positive Identification

Prior to the release or transfer of prisoners, positive identification will be made.

K. Prisoner Phone Calls

The prisoner will be allowed a call to a family member, attorney, or bail bondsman at the discretion of the officer (this can wait to be done at CPU). Privacy that does not interfere with security requirements will be extended.

VII. **Security**

A. Access

Access to temporary detention facilities will be limited to only those with a valid reason for entry (e.g., police personnel, defendant's attorney, commissioners, etc.). Visitors will not be allowed.

B. Firearms/Knives Security and Safety

*All entrances to any temporary detention facility will be clearly marked with signs that prohibit entry into the area with any weapons. The signs will read, "NO WEAPONS BEYOND THIS POINT," or similar wording that specifically restricts entry to the temporary detention facility with any weapons. Therefore, firearms and knives will be secured in department installed gun-boxes prior to placing a prisoner into or entering into any temporary detention facility (to include processing areas, cells, etc.). Certain emergency situations may preclude such storage (e.g., emergency evacuation of prisoners during a fire, etc.).*

C. Officers will secure the processing area doors behind them prior to removing the restraints from prisoners.

D. When a prisoner will be left unattended in a cell, the officer will remove the prisoner's:

1. Restraints:
  - a. After the prisoner is secured in the cell if the cell is of a design which would allow an officer to reach through an opening, or
  - b. Immediately prior to placing the prisoner in the cell.
2. Shoelaces, belt, drawstring, or other similar items that may be used to cause harm.

E. Temporary Detention Cell Keys

Keys to the cells will be maintained in a limited access area or control box to reduce potential for duplication or lock compromise. However, access must be made available to at least one person on duty at

the facility to ensure emergency access. At no time will the keys be taken outside the facility's physical environment. While civilian employees may not remove prisoners under normal operations, in emergencies (such as fires, emergency medical incidents), it may be necessary for a civilian employee to have access, thus the keys must be readily available.

F. Temporary Detention Cell Inspections

Any officer placing a prisoner in a cell or releasing a prisoner will search the cells for contraband and weapons after each prisoner is released and prior to placing the next prisoner in them. Cells will also be inspected weekly for contraband and weapons and recorded on the MCP 811, "Department Holding Facility Inspection Log." Problems with the cells will be made known to the district/division commander and the cell will be removed from service until repairs have been made.

G. Temporary Detention Facility Repairs

An inspection of the temporary detention facilities will be made after every repair to ensure no items are introduced into the area.

H. Detainee Attorneys

Detainees will have reasonable access to their attorneys. Department personnel will not hinder the detainee's efforts to obtain and meet with counsel. Should an attorney want to meet face to face with a prisoner, the attorney will be subject to a search. If possible, an officer of the same sex should conduct the search. Attorneys will not be permitted to take items which can be used to conceal contraband or weapons (e.g., purses, briefcases, etc.) into the temporary detention facilities. All such searches and contact will be documented on the back of the MCP 810.

I. Escapes

In instances of escapes from department temporary detention facilities:

1. Officers will notify ECC as soon as possible and place a complete lookout.
2. Officers must request that ECC notify the officer's supervisor and the duty/district commander.
3. Officers will fully document the incident on the incident report.
4. The responding supervisor will:
  - a. Define the scope of and coordinate search efforts.
  - b. Ensure departmental reporting requirements are complied with and that copies of any reports are forwarded to the arresting officer's supervisor.

J. Escape Attempts

In instances of attempted escapes from department temporary detention facilities:

1. Officers will notify their supervisors of any escape attempts and fully document the incident on the incident report.
2. The officer's supervisor will ensure departmental reporting requirements are complied with.

**VIII. Audio/Video Surveillance**

- A. The audio communications and video systems between the staff monitoring location and the temporary detention cells will be inspected/tested for proper operation monthly.
- B. Staff personnel will monitor the audio/video system whenever there is a prisoner in any cell and take appropriate action when requests for assistance are received from the cells. Only sworn personnel will enter a cell to provide assistance. Life threatening situations, such as fires or medical emergencies, may dictate emergency entry by non-sworn personnel. Monitoring of the audio surveillance devices will be consistent with security and safety requirements, while at the same time respecting the privacy of the prisoner. Signs will be prominently displayed in all holding cells advising the prisoner of audio monitoring and procedures for obtaining assistance.

- C. Each temporary detention facility will have a red duress/panic alarm installed to be used in the event of an emergency. The alarm systems will be tested monthly.

## **IX. Emergency Operations**

### **A. Emergency Evacuation Plan**

Each facility will have posted an emergency evacuation plan for the temporary detention facilities. All emergency exits will be designated with clearly marked signs. The temporary detention facilities will be covered within each facility fire protection plan and a copy of the appropriate escape route will be posted within these facilities.

### **B. Detectors/Fire Extinguishers**

All smoke, fire, and other emergency detectors/alarms will be of a type approved by the Montgomery County Fire Marshal. Fire extinguishers will be located in the immediate or general area of all temporary detention facilities. Locations will be responsive to safety and security of officers and other department personnel and will be clearly marked. Fire extinguishers will be of a type approved by the Montgomery County Fire Marshal.

## **X. Health and Hygiene**

- A. All detainees will have access to toilet facilities, including a toilet, wash basin, and drinking water. In certain holding cells, these are not part of the physical environment, thus provisions will be made for escorts to such equipment or accommodations upon reasonable request by a prisoner. Only sworn personnel may perform escort duties.

### **B. Medications**

No detainee will be allowed access to medicine, even if part of the detainee's property. Department personnel will not dispense medications. If an emergency exists, department personnel will notify and request assistance from Montgomery County Fire and Rescue Service (MCFRS) personnel for the decision to administer any medications. If the detainee is suffering life threatening conditions (e.g., chest pains, asthma attacks, etc.) and has prescribed medicine as part of the detainee's property, the assisting officer will advise MCFRS of its existence, the contents of the label, and the detainee's symptoms, and will follow MCFRS instructions regarding administration of the medicine. Any remaining medication will be turned over to the responding MCFRS personnel. All detainees in need of medical care will be provided medical care prior to processing into the holding cells.

### **C. Sanitation Inspections**

A sanitation inspection will be conducted weekly for all holding facilities. Unsanitary conditions will be corrected via maintenance or cleaning requests through Division of Facilities Services. A record of these inspections will be maintained on the MCP 811.

### **D. Bedding**

One complete set of clean, sanitary, and fire-retardant bedding (pillow, one blanket, and a mattress) will be maintained for each authorized cell in the facility. This is required should a prisoner be detained over eight hours.

### **E. Visual Checks**

All detainees placed into a cell will be visually checked once every 30 minutes and the results of that check will be documented on the MCP 810. In checking, personnel will be alert for signs of altered consciousness or mental status deterioration. Any uncertainty about a prisoner's condition will be resolved by summoning MCFRS assistance and, as required, having the prisoner transported to a medical care facility.

F. First Aid Kits

A first aid kit will be available and maintained in the immediate vicinity of the temporary detention facility. It will be inspected periodically to replenish supplies.

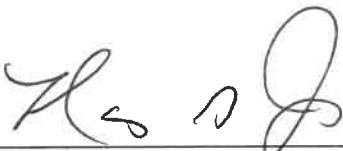
**XI. Inspections**

Inspections will be accomplished and inspection forms will be retained in a unit file.

**XII. CALEA Standards:** Chapter 44 and 71

**XIII. Proponent Unit:** Patrol Services Bureau Administration

**XIV. Cancellation:** This directive cancels Function Code 810, effective date *07-02-18, and Informational Bulletin 13-07.*

  
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Marcus Jones  
Chief of Police